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Date of Deposit: July 21, 2008

Attorney Docket No. 21275-001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Geoffrey L. Kidd      CONFO. NO.: 3781  
SERIAL NUMBER: 09/805,839      Examiner: Not Yet Assigned  
FILING DATE: March 13, 2001      Art Unit: 1646  
FOR: Method for Modifying a Nucleic Acid

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Petition To Withdraw Notice of Abandonment or in the Alternative To Revive Under 37  
CFR § 1.137(a) or § 1.137(b)**

Applicants request withdrawal of the Notice of Abandonment mailed May 1, 2008 in the above-reference patent application

The USPTO mailed a Notice To File Missing Parts on May 2, 2007 for the above-referenced application, more than six years after the application was filed. Applicants filed a Response to Notice to File Missing Parts on December 3, 2007. In the Response Applicants submitted signed inventor declarations, replacement drawings, and a surcharge. The USPTO mailed a Notice of Incomplete Reply on December 26, 2007, stating that the replacement drawings were not acceptable. Applicants submitted a Response to the Notice of Incomplete Reply on February 22, 2008 with corrected drawings. However, the USPTO mailed a Notice of Abandonment on May 1, 2008, stating that the reply filed February 22, 2008 was not a timely reply to the Notice To File Missing Parts mailed May 2, 2007.

Applicants submit that the Response submitted December 3, 2007 to the Notice to File Missing Parts was a *bona fide* attempt to respond to the May 2, 2007 Notice To file Missing Parts, and was a substantially a complete reply. To the extent compliance with some requirement was inadvertently omitted, Applicants request a new time period for reply to supply the omission, and request that their February 22, 2008 submission be entered and considered.

12/05/2008 CKHLOK 00000005 500311 09805839  
01 FC:2452 255.00 DA  
02 FC:2453 770.00 DA

Serial No.: 09/805,839  
Applicants: Kidd et al.

The Notice of Abandonment additionally states that the application may be revived by filing a petition under 37 CFR § 1.137(a) or § 1.137(b). Therefore, Applications alternatively petition to revive the above-identified application. The entire delay from the filing of the Response and the instant date was unintentional.

Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 20275-501US.

Respectfully yours,

/David E. Johnson/

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